

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 20-1744-CFC
	)	
WALMART INC. AND WAL-MART	)	<b>REDACTED</b>
STORES EAST, LP,	)	<b>PUBLIC VERSION</b>
	)	
Defendant.	)	
	)	

**DECLARATION OF LAURA JANE DURFEE IN SUPPORT  
OF DEFENDANTS' PARTIAL MOTION TO DISMISS  
THE AMENDED COMPLAINT**

I, Laura Jane Durfee, declare as follows:

1. I am an attorney at Jones Day representing Defendants Walmart Inc. and Wal-Mart Stores East, LP in the above captioned action. I offer this declaration in support of Defendants' Partial Motion to Dismiss the Amended Complaint.

2. Attached hereto as Exhibit A is a true and correct copy of the document produced to the United States ahead of the filing of this lawsuit and quoted in ¶190 of the Amended Complaint. The attached version of this document was admitted into evidence in, and bears an ECF stamp from, *In re National Prescription Opiate Litigation*, Case: 1:17-md-02804-DAP. (WMT\_MDL\_001203706).

3. Attached hereto as Exhibit B is a true and correct copy of the document produced to the United States ahead of the filing of this lawsuit and quoted in ¶166

of the Amended Complaint. The attached version of this document was admitted into evidence in, and bears an ECF stamp from, *In re National Prescription Opiate Litigation*, Case: 1:17-md-02804-DAP. (WMT\_MDL\_001764118).

4. Attached hereto as Exhibit C is a true and correct copy of the document produced to the United States ahead of the filing of this lawsuit and quoted in ¶103 of the Amended Complaint (WMT\_DOJ\_000101620).

5. Attached hereto as Exhibit D is a true and correct copy of the Texas Medical Board's Remedial Plan for Howard Gregg Diamond, M.D. Page 3 of 5 states "THIS REMEDIAL PLAN IS A PUBLIC RECORD." This board action was obtained from the Texas Medical Board's Healthcare Provider Verification website in 2018. Based on the allegations in the Amended Complaint, Howard Gregg Diamond, M.D. appears to be the doctor referred to as "H.D."

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ Laura Jane Durfee  
Laura Jane Durfee

Dated: November 7, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2022, true and correct copies of the foregoing document were caused to be served on the following counsel of record as indicated:

**BY ELECTRONIC MAIL**

David C. Weiss  
United States Attorney  
for the District of Delaware  
Laura D. Hatcher  
Dylan Steinberg  
United States Attorneys  
1313 N. Market Street  
Wilmington, DE 19801

**BY ELECTRONIC MAIL**

Kevin T. Traskos  
Amanda A. Rocque  
Special Attorneys to the  
Attorney General  
1801 California Street  
Suite 1600  
Denver, CO 80202

**BY ELECTRONIC MAIL**

Gustav W. Eyler  
Adam E. Lyons  
Joshua Fowkes  
Katherine M. Ho  
Trial Attorney  
U.S. Department of Justice  
Civil Division  
Consumer Protection Branch  
P.O. Box 386  
Washington, DC 20044

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)  
farnan@rlf.com